



News Release

Communications New Brunswick

N.B. Human Rights Commission

25th anniversary of the Charter of Rights and Freedoms (07/04/17)

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FREDERICTON (CNB) - The following is a statement by Gordon L. Porter, chair of the New Brunswick Human Rights Commission, on the occasion of the 25th anniversary of the Canadian Charter of Rights and Freedoms:

Today, April 17, Canada celebrates the 25th anniversary of the Canadian Charter of Rights and Freedoms.

The adoption of the charter in 1982 was an important historical milestone for which Canadians are justly proud. The charter has become part of what defines Canada, and New Brunswick, to Canadians and to the world.

The charter meant that for the first time many of the rights that we take for granted, such as freedom of speech, equality before the law and the presumption of innocence, were protected in the constitution. While New Brunswick laws already guaranteed the right to education and other government services in French and English, the charter included specific clauses to entrench New Brunswick's bilingualism.

Most of the charter rights were already recognized in various laws, but their inclusion in a constitutional document was a major achievement, as it changed the framework for human rights in Canada.

The necessity of a constitutionally entrenched charter had been demonstrated in part by the ineffectiveness of the Canadian Bill of Rights of 1960. Nearly every case under the Canadian Bill of Rights had failed, and many observers concluded that this was because the Bill of Rights was not part of the constitution.

On the other hand, as a constitutional document enforced by the courts, the charter gives a degree of protection to minorities that laws are incapable of guaranteeing. To state the obvious, laws are passed, amended and repealed by a simple majority of legislators, who themselves are elected by the plurality of voters in each riding. A constitutional framework is needed to ensure that minority rights are protected.

Yet, laws such as New Brunswick's Human Rights Act continue to have their place in our legal system. For one thing, human rights acts protect against discrimination in both the private and public sectors, while the charter applies only to the public sector. Furthermore, the enforcement mechanism of human rights acts, which is focused on mediation and prevention, in most cases avoids lengthy and expensive litigation. The cost of charter litigation is arguably the charter's greatest weakness.

On the anniversary of the charter we are reminded that, despite our differences, we live in a society that values human rights. We understand the harm that results from discrimination, harassment and the failure to accommodate. We recognize the value of harassment-free workplaces and schools and of safe and welcoming communities. We also understand that diversity, when it is valued and celebrated, is a source of economic vitality and social dynamism and an asset in maintaining our international competitiveness.

As New Brunswick moves to attract and retain immigrants, and our businesses seek to attract and retain skilled employees and boost their productivity, we cannot help but recognize the central place that human rights have and will continue to have in our lives.

Twenty-five years later, the Charter of Rights and Freedoms continues to advance the rights that New Brunswickers value.

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